

PAUL VELGOS,	}	Case No. CV 25-0186 FMO (ASx)
Plaintiff,		
v.		
NEXENTA BY DDN, INC., <u>et al.</u> ,		<b>ORDER TO SHOW CAUSE RE: VENUE</b>
Defendants.		

With respect to venue, claims of copyright infringement “may be brought in the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business.” 28 U.S.C. § 1400(a). The Ninth Circuit has interpreted “this provision to allow venue in any judicial district where, if treated as a separate state, the defendant would be subject to personal jurisdiction.” Brayton Purcell LLP v. Recordon & Recordon, 606 F.3d 1124, 1126 (9th Cir. 2010), abrogated by Axiom Foods, Inc. v. Acerchem Int’l, Inc., 874 F.3d 1064, 1070 (9th Cir. 2017).

1 Although plaintiff contends that venue is proper in this District, (see Dkt. 23, Complaint at  
2 ¶ 10), he does not allege any facts showing that venue is proper pursuant to 28 U.S.C. § 1400(a).  
3 (See, generally, id.).

4 Based on the foregoing, IT IS ORDERED THAT:

5 1. No later than **March 10, 2025**, plaintiff shall show cause in writing why this action should  
6 not be transferred for lack of proper venue. **Failure to respond to this order to show cause by**  
7 **the deadline set forth above shall be deemed as consent to transfer of the instant action**  
8 **to the appropriate venue.** See 28 U.S.C. § 1406(a) (providing that a federal court may transfer  
9 a complaint filed in the wrong district to the correct district); Starnes v. McGuire, 512 F.2d 918, 932  
10 (D.C. Cir. 1974); Costlow v. Weeks, 790 F.2d 1486, 1487-88 (9th Cir. 1986) (a district court may  
11 raise the issue of venue sua sponte).

12 2. If plaintiff wishes to transfer venue, plaintiff shall file a motion to transfer venue by the  
13 deadline set forth above.

14 Dated this 3rd day of March, 2025.

15  
16 /s/  
Fernando M. Olguin  
United States District Judge  
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